

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-1013-PD Date: December 23, 2025

Title *Kirk Kara Corp. v. Oriental Trading Company, Inc. et al*

Present: The Honorable Patricia Donahue, United States Magistrate Judge

Isabel Verduzco
Deputy Clerk

N/A
Court Reporter / Recorder

Attorney Present for Plaintiff:
Not present

Attorneys Present for Defendant:
Not present

Proceedings (In Chambers): **Continuance of Order to Show Cause
Re: Service of Process on Defendant
Click Here 2 Shop, LLC**

The Court has reviewed Plaintiff's written response, filed December 12, 2025, to the Order to Show Cause. Dkt. No. 28. Plaintiff asserts that it will attempt to serve Defendant Click Here 2 Shop, LLC ("Defendant") through a different registered agent at two potential addresses: one at a residence, and the other at a warehouse. *Id.* at 2. If these attempts are unsuccessful, Plaintiff asserts it will then move to serve Defendant at its UPS P.O. Box via mail under Rule 5(b). *Id.* at 3. The Court notes that service must be made under Federal Rule of Civil Procedure 4, since Rule 5 "governs the service and filing of papers *after* a Defendant has been properly served with summons." *See Nesbit v. Sunrise Restaurants*, 2023 WL 5498887 at *1 (C.D. Cal. June 23, 2023) (finding that proof of service of summons by method under Rule 5 is defective) (emphasis in original).

Nevertheless, Plaintiff has shown good cause for a continuance to attempt service on the agent at the new addresses.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** by no later than **February 13, 2026**, why this action should not be dismissed for failure to serve Defendant under Fed. R. Civ. P. 4(m). Plaintiff may discharge the Order to

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Show Cause by filing, no later than **February 13, 2026**, a proof of service or renewed motion to serve by alternate means that complies with the applicable rules.

Plaintiff is reminded that in addition to the Summons and Complaint, Plaintiff must also serve the Notice of Assignment to a U.S. Magistrate Judge and Declination of Consent form. Dkt. No. 6.

Failure to respond or file a renewed motion may result in dismissal of the action for failure to prosecute. *See* Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.